



RFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/813,099
Applicants : Alfred Thomas
Benjamin T. Gomez
Robert J. Wilson, Jr.
Roger A. Delott
Filed : March 30, 2004
Title : Bonus Game For A Gaming Machine
TC/A.U. : Not Assigned
Examiner : Not Assigned
Docket No. : 47079-00013USD1
Customer No. : 30223

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 17, 2004.

Signature: Janet L. Newmaker
Janet L. Newmaker

**SECOND INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Second Information Disclosure Statement be entered, and the references listed on enclosed Form PTO-1449 be considered by the Examiner and made of record. In accordance with the waiver of 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and publication for all U.S. national patent applications filed after June 30, 2003, only copies of the foreign references and other documents are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g) and (h), this Second Information Disclosure Statement is not to be construed as a representation that a search has been made, or an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability, as defined in 37 C.F.R. § 1.56.

References A46-A48 and B53-B55 on the enclosed Form PTO-1449 were recently cited in a related application, U.S. Patent Application No. 10/673,718.

WMS Gaming Inc., assignee of the present application, and Sigma Game, Inc., are in litigation in the United States District Court for the District of Nevada, Civil Action No. CV-S04-0027-RLH-LRL. WMS Gaming Inc. has alleged that Sigma Game, Inc., infringes U.S. Patent No. 6,645,074, which is related to the present application. References C58-C75 under "Other Documents" on the enclosed Form PTO-1449 are being submitted as a result of this litigation.

In the litigation, Sigma has alleged that certain prior art gaming machines invalidate the claims of U.S. Patent No. 6,645,074. In its Opposition Briefs to Plaintiff's Motion for a Preliminary Injunction and supporting Declarations (References C67-C75), Sigma discusses The Poker Plus Game and The Great Whites Game in detail.

Neither The Poker Plus Game nor The Great Whites Game, however, affect the patentability of the pending claims in the present application. The present invention is directed to a wagering game in which there is a basic game and a bonus game that is activated when a start-bonus outcome is achieved in the basic game. As such, each of the claims requires two distinct games – the basic game and the bonus game. The selectable elements are displayed during the bonus game (not the basic game), and the selectable elements are distinct from the symbols in the basic game. The selectable elements are fixedly associated with award indicia

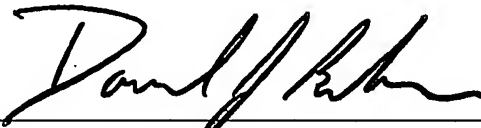
that are awarded to the player in the bonus game if the player selects those elements. The award indicia can be items like a credit amount, a multiplier, or a monetary value. After receiving player selection(s) in this bonus game, the award indicia for the unselected ones of the elements are revealed to the player so that he or she can see the awards that would have been achieved had different selections been made.

Neither The Great Whites Game nor The Poker Plus Game relate to a wagering game where the bonus game has selectable elements that are (i) different from the basic-game symbols and (ii) fixedly associated with award indicia. Further, it is noted that many of the claims are directed to the basic game having symbol-bearing reels (*i.e.*, a slot machine), which is entirely different from The Poker Plus Game. Additionally, many of the claims call for the award indicia to be a stop-bonus game symbol prohibiting further player-selections in the bonus game, which is quite different from The Great Whites Game wherein the player selects one, and only one, of the basic game symbols (*i.e.*, the 5 shells) to reveal the mystery award.

Without providing any succinct detail, Sigma has also suggested that prior art of the type found in References C58-C65 may have some bearing on the claims of U.S. Patent No. 6,645,074. Two of those games, the “Reel ‘Em In” game and the “Mermaid’s Gold” game, were sold by the assignee of the present application. Regarding the “Reel ‘Em In” game (References C58-59), it does not have a reveal feature in the bonus game, whereby the award indicia of unselected ones of the selectable elements are revealed to the player after the player has made his or her selections. Regarding the “Mermaid’s Gold” game (Reference C60), it also does not have a reveal feature in the bonus game, whereby the award indicia of unselected ones of the selectable elements are revealed to the player after the player has made his or her selections.


This Second Information Disclosure Statement is being filed within three months of the filing date of this application and, hence, is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fee is believed to be due. Should any fee be deemed necessary (except payment of the issue fee), however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0447 (47079-00013USD1). A duplicate copy of this Statement is enclosed for that purpose.

Respectfully submitted,

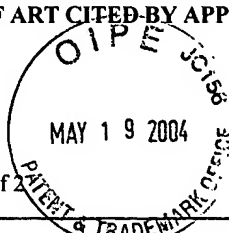
A handwritten signature in black ink, appearing to read "Daniel J. Burnham", written over a horizontal line.

Date: May 17, 2004

Daniel J. Burnham
Reg. No. 39,618
Jenkins & Gilchrist
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
(312) 425-3900
Attorney for Applicants

Form PTO-1449 (modified) LIST OF ART CITED BY APPLICANT <div style="text-align: center;">  </div>				Application No.: 10/813,099 Filing Date: March 30, 2004 First Named Inventor: Alfred Thomas Group Art Unit: Not Assigned Examiner: Not Assigned Attorney Docket No.: 47079-00013USD1			
Sheet 1 of 2							
U.S. PATENT DOCUMENTS							
Examiner Initial	Ref.	Document Number	Date	Name	Class	Sub-Class	Filing Date (if Application)
	A46	4,508,513	04/02/1985	Donovan	434	346	
	A47	4,560,161	12/24/1985	Hamano	273	85 CP	
	A48	6,126,542	10/03/2000	Fier	463	16	
FOREIGN PATENT DOCUMENTS							
Examiner Initial	Ref.	Document Number	Date	Country	Class	Sub-Class	Translation Yes/No
	B53	AU 9748484	07/16/1998	Australia	G07F	17/34	N/A
	B54	WO 97/27569	07/31/1997	International	G07F	17/34	N/A
	B55	WO 98/09259	03/05/1998	International	G07F	17/34	N/A
OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.)							
Examiner Initial	Ref.	Document Information					
	C58	Product Sheet for "Reel 'Em In™," WMS Gaming Inc., 4 pages (1997)					
	C59	Product Sheet for "Reel 'Em In™," WMS Gaming Inc., 2 pages (1997)					
	C60	Product Sheet for "Mermaid's Gold," WMS Gaming Inc., 2 pages (1997)					
	C61	Product Sheet for "Prize Winner," Pacific Gaming Pty Limited, 2 pages (1995)					
	C62	Product Sheet for "Wizard Ways," Aristocrat Leisure Industries, 2 pages (February 1994)					
	C63	Product Sheet for 5 Coin Joker Poker, Aristocrat Leisure Industries Pty Ltd., 2 pages (September 1993)					
	C64	Product Sheet for "Treasure," Aristocrat Leisure Industries, 2 pages (1994)					
	C65	Product Sheet for "Top Gear," Aristocrat Leisure Industries, 2 pages (February 1994)					
	C66	Product Sheet for "Great Whites," 2 pages (2000)					
	C67	Defendant Sigma Game, Inc.'s Opposition To Plaintiff's Motion For A Preliminary Injunction (with Exhibits A-F), WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 22, 2004)					
	C68	Defendant Sigma Game, Inc.'s Supplement To Opposition To Plaintiff's Motion For A Preliminary Injunction (with Exhibits A-C), WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 23, 2004)					
EXAMINER		DATE CONSIDERED					

***Examiner:** Initial if citations considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449 (modified) LIST OF ART CITED BY APPLICANT <div style="text-align: center;">  </div> Sheet 2 of 2	Application No.: 10/813,099 Filing Date: March 30, 2004 First Named Inventor: Alfred Thomas Group Art Unit: Not Assigned Examiner: Not Assigned Attorney Docket No.: 47079-00013USD1	
OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.) (continued)		
Examiner Initial	Ref.	Document Information
	C69	Declaration Of Michael Eide In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction (with Exhibit 1), WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 18, 2004)
	C70	Declaration Of Dustin Fasbender In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction, WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 19, 2004)
	C71	Declaration Of Marvin Hein In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction (with Exhibits 1-4), WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 19, 2004)
	C72	Declaration Of James Jackson In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction (with videotape SGI-009421 listed in ¶13), WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 22, 2004)
	C73	Declaration Of David Kraft In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction (with Exhibits 1-6), WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 18, 2004)
	C74	Declaration Of Brent Lang In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction, WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 19, 2004)
	C75	Declaration Of John O'Donovan In Support Of Defendant, Sigma Game, Inc.'s Opposition To Plaintiff, WMS Gaming, Inc.'s Motion For Preliminary Injunction, WMS Gaming, Inc. v. Sigma Game, Inc., United States District Court, District of Nevada, CV-S04-0027-RLH-LRL (March 19, 2004)
EXAMINER		DATE CONSIDERED

*Examiner: Initial if citations considered, whether or not citation is in conformation with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.